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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,730	12/15/1998	KEITH C. THOMAS	450.241US1	9527

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/08/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,730

Applicant(s)

THOMAS, KEITH C.

Examiner

Andrew Y Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 30-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 30-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see page 12, filed 15 December 2003, with respect to the rejection(s) of claim(s) 37-48 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 5,758,257 to Herz et al. for the limitation of "all users present."

2. Applicant's arguments filed 15 December 2003 have been fully considered but they are not completely persuasive.

The applicant argues the system of Williams is only capable of identifying a single person at a time who is actually interacting with the system, and has no clue that there may be more people in a viewing volume. The examiner agrees with the interpretation of Williams, however, claim 1 is broader in that recites determining "whether an additional user is newly present in a viewing volume." The claim is broad enough to read on the scenario where there is no user and an additional user is newly present, where there is only one user. Further, the examiner notes that that viewing volume is given the broadest reasonable interpretation in the art of the volume of the user-input device. The argument presented of the microphone having a smaller volume than that of the viewing volume is recognized but the smaller volume would still be within the viewing volume.

Claims 30-48 include the viewing volume, which has been addressed above.

Claims 30 and 36 recite the limitation of "one or more people" and a device identifying all people, which in this case can be one or more. Accordingly, the rejection of Williams is sustained in that Williams teaches providing programming one person.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-8, 10-11, 13-14, 16-17, 19-21, 30-32, 35-39, 42-43, and 45-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,977,964 to Williams et al. (Williams).

Regarding claims 1 and 36, Williams discloses an apparatus for controlling access to information, wherein:

"a video display" shown in figure 1 (102), and described in column 3, line 51.

"a user-recognition input device" shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, ll. 2-21.

"a control device" shown in Figure 1 (104) and Figure 7 (704), and described in col. 10, ll. 55-65, and col. 15, ll. 44-63.

Regarding claims 2, 10, 16, 20, 31, 38, 42, 46, and 47 Williams discloses a user-recognition imaging apparatus and method as described in col. 11, ll. 12-21, fig. 2, col. 12, ll. 29-44.

Regarding claims 3, 11, 17, 21, 32, and 43, Williams discloses a user-recognition audio apparatus and method as described in col. 11, ll. 2-12, fig. 2, and col. 12, ll. 29-44.

Regarding claims 6 and 35, Williams discloses a control device that selects predetermined channels based on a determination of the user via the user-recognition device (col. 10, ll. 61-65, and col. 11, ll. 22-48).

Regarding claims 7, 13, 30, 37, and 45, Williams discloses an apparatus for controlling access to information, wherein:

“a video display” shown in figure 1 (102), and described in column 3, line 51.

“a user-recognition input device” shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, ll. 2-21.

“a memory” shown in fig. 7, label 716 (see also col. 15, ll. 44-63).

“a processor” shown in fig. 1, label 104, and described in col. 10, ll. 55-65, and col. 15, ll. 44-63.

“a blocking device coupled to the processor” also reads on fig. 7, label 108 (see also col. 10, ll. 61-65, col. 15, ll. 44-63).

Regarding claims 8 and 14, Williams discloses the video content including television programming (fig. 1, label 102, col. 4, ll. 33-36).

Regarding claim 19, Williams discloses an apparatus and method for controlling access to information based on content and user identity, wherein:

“outputting the information” see fig. 1, label 102, and col. 3, ll. 48-58.

“determining that an additional user is newly present” see fig. 2, col. 12, ll. 29-44.

“selectively blocking output of the information” shown in fig. 7, label 708, col. 10, ll. 61-65, and col. 15, ll. 44-63.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 12, 18, 22, and 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) in view of U.S. Patent 5,771,307 to Lu et al. (Lu).

Regarding claims 4, 12, 18, 22, and 33, Williams discloses an apparatus and method as claimed, but does not disclose the user of a movement detection device. Lu discloses a system, where a user-recognition device in a viewing volume comprises a motion sensor (fig. 1, label 30, col. 8, ll. 52-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a motion sensor as disclosed by Lu in order to increase reliability and accuracy of viewer detection, when viewers enter or leave the viewing area.

7. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) in view of U.S. Patent 5,231,494 to Wachob.

Regarding claims 5 and 23, Williams discloses an apparatus and method as claimed, but does not disclose a priority is assigned to a user and the display is based on the user's priority. Wachob teaches a targeted ad insertion system, which is based on the viewer's characteristics in a viewing area. Wachob implements a prioritization algorithm to determine which viewers among the plurality of viewers have priority so that the proper ads are displayed (col. 5-6, ll. 63-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a prioritization algorithm as taught by Wachob in order to display the proper content the viewing audience thereby displaying targeted information to the users.

8. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) in view of U.S. Patent 6,002,427 to Kipust.

Regarding claims 9 and 15, Williams discloses an apparatus and method as claimed, but does not disclose video content including computer-displayed text or graphics. Kipust discloses an apparatus and method for controlling access to information, wherein the content is computer-displayed text or graphics (fig. 1, labels 102, 104, 116, 118; col. 3, ll. 40-54, col. 4, ll. 1-28, 64-67, and col. 5, ll. 1-6, 44-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include controlling access to computer-displayed text and graphics as taught by Kipust in order to assist parents in controlling the children's access to Internet content.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams).

Regarding claim 34, Williams is silent on a priority for each person and selectively blocking based on each person's priority. Official Notice is taken that that use of priorities is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using a priority in order to identify the information that should be blocked depending on the audience.

10. Claims 37-39, 42, 43, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) in view of U.S. Patent 5,758,257 to Herz et al. (Herz).

Regarding claims 37, and 45, Williams discloses an apparatus for controlling access to information, wherein:

"a video display" shown in figure 1 (102), and described in column 3, line 51.

"a user-recognition input device" shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, ll. 2-21.

“a memory” shown in fig. 7, label 716 (see also col. 15, ll. 44-63).

“a processor” shown in fig. 1, label 104, and described in col. 10, ll. 55-65, and col. 15, ll. 44-63.

“a blocking device coupled to the processor” also reads on fig. 7, label 108 (see also col. 10, ll. 61-65, col. 15, ll. 44-63).

Williams teaches identifying a user and functionally capable of identifying plural users (at different times), but is silent on identifying all users present. Herz teaches having plural users and combining the profiles (col. 49, ll. 7-19) and clearly identifies plural users (actively or passively) (col. 26, ll. 22-50). Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Williams by identifying all users present in a viewing volume as taught by Herz in order to provide a mutually agreeable programs for both users thereby desirable programming to all the viewers.

Regarding claims 38, 42, 46, and 47 Williams discloses a user-recognition imaging apparatus and method as described in col. 11, ll. 12-21, fig. 2, col. 12, ll. 29-44.

Regarding claim 39, Williams teaches additional information such as a rating for a program (col. 9, ll. 5-10).

Regarding claim 43, Williams discloses a user-recognition audio apparatus and method as described in col. 11, ll. 2-12, fig. 2, and col. 12, ll. 29-44.

Regarding claim 48, Williams teaches “selectively blocking output of the information” shown in fig. 7, label 708, col. 10, ll. 61-65, and col. 15, ll. 44-63.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) and U.S. Patent 5,758,257 to Herz et al. (Herz) in view of U.S. Patent 6,181,364 to Ford.

Regarding claim 40, Williams teaches additional information such as a rating for a program (col. 9, ll. 5-10), but is silent on rating portions of the program and selectively blocking portions of the program. Ford teaches substituting unobjectionable contents (claimed selectively blocking portions) when the rating of a portion of a program is objectionable (col. 3-4, ll. 64-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by selectively substituting unobjectionable portions when a portion of the program rating is objectionable as taught by Ford in order to watch a program and filter out the objectionable material thereby enabling the user to watch a movie, while not viewing or hearing objectionable portions.

12. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) and U.S. Patent 5,758,257 to Herz et al. (Herz) in view of U.S. Patent 6,002,427 to Kipust.

13. Regarding claim 41, Williams discloses an apparatus and method as claimed, but does not disclose video content including computer-displayed text or graphics. Kipust discloses an apparatus and method for controlling access to information, wherein the content is computer-displayed text or graphics (fig. 1, labels 102, 104, 116, 118; col. 3, ll. 40-54, col. 4, ll. 1-28, 64-67, and col. 5, ll. 1-6, 44-57). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include controlling access to computer-displayed text and graphics as taught by Kipust in order to assist parents in controlling the children's access to Internet content.

14. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) and U.S. Patent 5,758,257 to Herz et al. (Herz) in view of U.S. Patent 5,771,307 to Lu et al. (Lu).

Regarding claim 44, Williams discloses an apparatus and method as claimed, but does not disclose the user of a movement detection device. Lu discloses a system, where a user-recognition device in a viewing volume comprises a motion sensor (fig. 1, label 30, col. 8, ll. 52-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a motion sensor as disclosed by Lu in order to increase reliability and accuracy of viewer detection, when viewers enter or leave the viewing area.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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